

## **AGENDA**

### **BOARD OF MAYOR AND ALDERMEN**

**November 18, 2003**

**7:30 PM**

**Aldermanic Chambers  
City Hall (3<sup>rd</sup> Floor)**

1. Mayor Baines calls the meeting to order.
2. The Clerk calls the roll.

### **CONSENT AGENDA**

3. Mayor Baines advises if you desire to remove any of the following items from the Consent Agenda, please so indicate. If none of the items are to be removed, one motion only will be taken at the conclusion of the presentation.

### **BMA Minutes**

- A. Minutes of meetings held on July 15, 2003, August 4, 2003 (two meetings), August 5, 2003 (two meetings), August 27, 2003, September 2, 2003 (two meetings), September 9, 2003, September 29, 2003, October 7, 2003 (two meetings), October 21, 2003 (two meetings), and November 5, 2003 (two meetings).

(Note: available for viewing at the Office of the City Clerk and forwarded under separate cover to Mayor and Aldermen.)

### **Approve Under Supervision of the Department of Highways**

- B. Pole License Petitions:
  - 1) Verizon New England and PSNH Pole Petitions for conduit and buried cable on Ledgewood Way, Harmony Way, Heritage Way, Serenity Way and Victorian Way.
  - 2) Verizon New England Pole Petitions for conduit and buried cable on Winston Street, Gay Street, Nutfield Lane, Manchester Street, Hanover Street, and Elgin Avenue.
  - 3) Verizon New England and PSNH Pole Petitions for conduit and buried cable on Gates Street, Brown Avenue, Coldwell Street, Parker Street, Readey Street, Roosevelt Street, Victoria Way, Barstow Way, Greystone Way, Ledgewood Way, Stagecoach Way, Notre Dame Avenue, and Coolidge Avenue.

**Informational – to be Received and Filed**

- C. Copies of minutes of the Manchester Conservation Commission held October 20, 2003.
- D. Communication from the Manchester Transit Authority submitting minutes of the September 30, 2003 meeting as well as Financial and Ridership Reports from the month of September 2003.  
(Note: available for viewing at the Office of the City Clerk and forwarded under separate cover to Mayor and Aldermen.)
- E. Copy of a communication from the NH Department of Revenue Administration advising that the City's 2003 tax rate has been computed and established.
- F. Communication from the NH Department of Transportation submitting contemplated awards.

**REPORTS OF COMMITTEES**

**COMMITTEE ON TRAFFIC/PUBLIC SAFETY**

- G. Recommending that regulations governing standing, stopping, parking and operations of vehicles be adopted and put into effect when duly advertised and posted.

**LADIES AND GENTLEMEN, YOU HAVE READ THE CONSENT AGENDA, A MOTION WOULD BE IN ORDER THAT THE CONSENT AGENDA BE APPROVED.**

- 4. Nominations to be presented by Mayor Baines, if available.

## **OTHER BUSINESS**

5. Report(s) of the Committee on Accounts, Enrollment and Revenue Administration, if available.  
**Ladies and Gentlemen, what is your pleasure?**
6. Report(s) of the Committee on Administration/Information Systems, if available.  
**Ladies and Gentlemen, what is your pleasure?**
7. Report(s) of the Committee on Bills on Second Reading, if available.  
**Ladies and Gentlemen, what is your pleasure?**
8. Report(s) of the Special Committee on Baseball/Riverfront Development, if available.  
**Ladies and Gentlemen, what is your pleasure?**
9. Communication from Alderman Osborne requesting that the Board consider retaining the property on Old Wellington Road to be utilized for replacement of Singer Park for soccer fields and lacrosse events.  
**Ladies and Gentlemen, what is your pleasure?**
10. Copy of a communication from Attorney Robert E. Murphy, Jr. to Thomas Arnold requesting reconsideration of the City's decision to award sale of the Canal Street Parking Garage and the sale of real property located on Old Wellington Road (a/k/a Map 645, Lot 10).  
**Ladies and Gentlemen, what is your pleasure?**

**TABLED ITEM**

**A motion is in order to remove the following item from the table for discussion.**

11. Request for discontinuance of a portion of Millstone Avenue.  
(Tabled 08/04/2003 at road hearing pending report from City Solicitor.)
12. Communication from the Chief Negotiator requesting to meet with the Board for a negotiation strategy session.
13. **NEW BUSINESS**
  - a) Communications
  - b) Aldermen
14. If there is no further business, a motion is in order to adjourn.



# CITY OF MANCHESTER

## Office of the City Clerk



Leo R. Bernier  
City Clerk

Carol A. Johnson  
Deputy City Clerk

Paula L-Kang  
Deputy Clerk  
Administrative Services

Matthew Normand  
Deputy Clerk  
Licensing & Facilities

Patricia Piecuch  
Deputy Clerk  
Financial Administration

Memo To: Board of Mayor and Aldermen

From: C. Johnson  
Deputy City Clerk

Date: November 13, 2003

Re: Minutes of meetings

Enclosed for your review and consideration are minutes of meetings to be presented for approval on November 18<sup>th</sup> as follows:

July 15, 2003;  
August 4, 2003 (two meetings);  
August 5, 2003 (two meetings);  
August 27, 2003; and  
September 2, 2003.

Enclosures

A



# CITY OF MANCHESTER

## Office of the City Clerk



Leo R. Bernier  
City Clerk

Carol A. Johnson  
Deputy City Clerk

Paula L-Kang  
Deputy Clerk  
Administrative Services

Matthew Normand  
Deputy Clerk  
Licensing & Facilities

Patricia Piecuch  
Deputy Clerk  
Financial Administration

Memo To: Board of Mayor and Aldermen

From: C. Johnson  
Deputy City Clerk

Date: November 14, 2003

Re: Minutes of meetings

Enclosed for your review and consideration are minutes of meetings to be presented for approval on November 18<sup>th</sup> as follows:

September 2, 2003;  
September 9, 2003;  
September 29, 2003;  
October 7, 2003 (two meetings);  
October 21, 2003 (two meetings); and  
November 5, 2003 (two meetings).

Enclosures

A

Right Of Way Department  
Engineering



900 Elm Street Suite 1401D  
Manchester, NH 03101-2030

October 29, 2003

Mrs. Paula LeBlond-Kang  
Deputy City Clerk  
908 Elm Street  
Manchester, New Hampshire 03101

Dear Paula:

Enclosed are copies of our Petition and License.

The licensing of pole(s) and/or buried wire/conduit, in the City of Manchester,  
New Hampshire, as per attached.

Will you kindly present the enclosed to the Alderman for their approval and signatures.  
Also, please fill in the date of licensing. It may then be recorded in the City Clerk's  
records and our recorded copy of the same returned to this office. You may retain the  
remaining copy for your files.

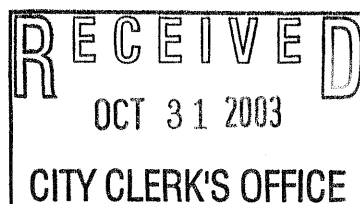
If you have any questions concerning this license, please do not hesitate to call me at  
(603) 645-3318.

Yours Truly,

A handwritten signature in cursive script, appearing to read "Eileen Sasso", written over a horizontal line.

Eileen Sasso  
Right-of-Way Department

es  
Enclosures



B

9AACMJ  
POLE LOCATION  
FORM NO. 1

October 21, 2003

In The Board of Mayor and Alderman  
of the City of Manchester, New Hampshire:

**VERIZON NEW ENGLAND INC  
&  
PUBLIC SERVICE OF NEW HAMPSHIRE**

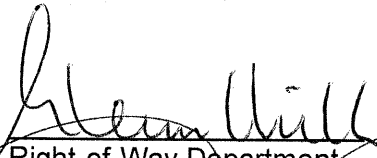
request a license to install and maintain underground conduits, cables and wires and to erect and maintain poles and structures with wires, cables, conduits and devices thereon, together with such sustaining, strengthening and protecting fixtures as may be necessary, along, across and under the following public ways:

**The placing and licensing of 4" conduit, cable and the associated pedestals, terminals and manholes if required on Ledgewood Way, Harmony Way, Heritage Way, Serenity Way and Victorian Way, in the City of Manchester, New Hampshire, as per attached.**

cables and wires and to erect and maintain poles and structures with wires, cables, conduits and devices thereon together with such strengthening and protecting fixtures as may be necessary, said underground conduits, poles and structures to be installed approximately in accordance with the plan filed herewith marked Verizon New England Inc. and Public Service of New Hampshire.

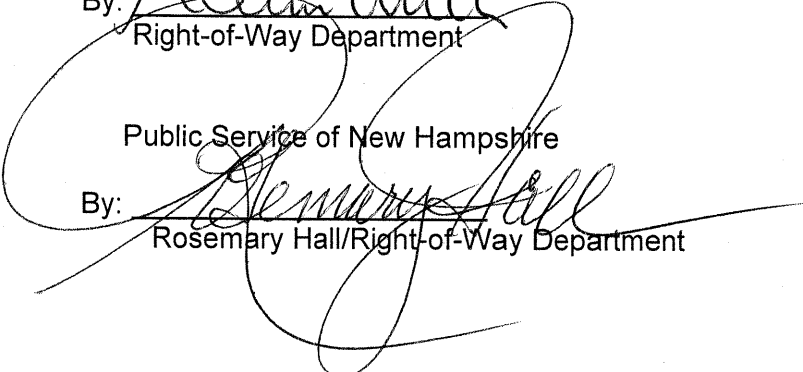
No: 9AACMJ  
Dated: October 21, 2003  
Verizon New England, Inc.

By:

  
Right-of-Way Department

Public Service of New Hampshire

By:

  
Rosemary Hall/Right-of-Way Department



9AAG53

CONDUIT LOCATION  
FORM NO. 1

October 24, 2003

In The Board of Mayor and Alderman  
of the City of Manchester, New Hampshire:

**VERIZON NEW ENGLAND, INC.**

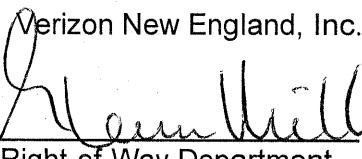
requests a license to place and maintain a concrete pad and telephone cabinet, cables and wires and to erect cables, conduits and devices thereon, together with such sustaining, strengthening and protecting fixtures as may be necessary, along, across and under the following public ways:

**The placement and licensing of 4" conduit and the associated buried cable, pedestals, terminals and manholes if required, on Winston Street and Gay Street, in the City of Manchester, New Hampshire, as per attached.**

Wherefore we pray, that we be granted a license to install and maintain underground conduits, cables and wires and to erect and maintain structures with wires, cables, conduits and devices thereon together with such strengthening and protecting fixtures as may be necessary, said underground conduits, concrete pad, cabinet and structures to be installed approximately in accordance with the plan filed herewith marked Verizon New England, Inc

9AAG53

Dated: December 2, 2002

Verizon New England, Inc.  
By:   
Right-of-Way Department

B

TEU

9AALSX

CONDUIT LOCATION  
FORM NO. 1

October 24, 2003

In The Board of Mayor and Alderman  
of the City of Manchester, New Hampshire:

**VERIZON NEW ENGLAND, INC.**

requests a license to install and maintain underground conduits, cables and wires and to erect and maintain poles and structures with wires, cables, conduits and devices thereon, together with such sustaining, strengthening and protecting fixtures as may be necessary, along, across and under the following public ways:

**Licensing of 4" buried conduit, and the associated cable, pedestals, terminals and manholes if required, on Nutfield Lane, Manchester Street and Hanover Street, in the City of Manchester, New Hampshire, as per attached.**

Wherefore we pray, that we be granted a license to install and maintain underground conduits, cables and wires and to erect and maintain poles and structures with wires, cables, conduits and devices thereon together with such strengthening and protecting fixtures as may be necessary, said underground conduits, poles and structures to be installed approximately in accordance with the plan filed herewith marked Verizon New England, Inc.

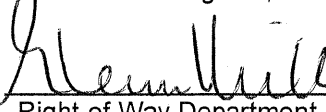
The foregoing license is subject to the following conditions-

- 1.) The conduit and manholes shall be of such material and construction and all work done in such manner as to be satisfactory to such municipal officers as may be appointed to the supervision of the work, and a plan showing the location of conduits constructed shall be filed with the Town when the work is completed.
- 2.) In every underground main line conduit constructed by said Company one duct not less than three inches in diameter shall be reserved and maintained free of charge for the use of the fire and police signal wires belonging to the Town and used by it exclusively for municipal purposes.
- 3.) Said Company shall indemnify and save the Town harmless against all damages, costs and expenses whatsoever to which the Town may be subjected in consequence of the acts of neglect of said Company, its agents or servants, or in any manner arising from the rights and privileges granted it by the said Town.
- 4.) In addition said Company shall, before a public way is disturbed for the laying of its wires or conduit, execute its bond in a penal sum of FIVE THOUSAND DOLLARS (\$5,000.00) (Reference being had a bond already on file) conditioned for the faithful performance of its duties under this license.
- 5.) Said Company shall comply with the requirements of existing by-laws ordinances and such as may hereafter be adopted, governing the construction and maintenance of conduits and wires so far as the same are not inconsistent with the laws of the State of New Hampshire.

9AALSX

Dated: October 24, 2003

Verizon New England, Inc.

By:   
Right-of-Way Department

B

9AAG4C

CONDUIT LOCATION  
FORM NO. 1

October 24, 2003

In The Board of Mayor and Alderman  
of the City of Manchester, New Hampshire:

**VERIZON NEW ENGLAND, INC.**

requests a license to place and maintain a concrete pad and telephone cabinet, cables and wires and to erect cables, conduits and devices thereon, together with such sustaining, strengthening and protecting fixtures as may be necessary, along, across and under the following public ways:

**The placement and licensing of 4" conduit, cable and the associated pedestals, terminals and manholes if required, on Elgin Avenue, in the City of Manchester, New Hampshire, as per attached.**

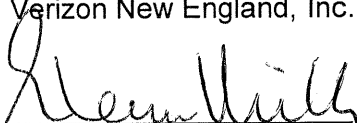
Wherefore we pray, that we be granted a license to install and maintain underground conduits, cables and wires and to erect and maintain structures with wires, cables, conduits and devices thereon together with such strengthening and protecting fixtures as may be necessary, said underground conduits, concrete pad, cabinet and structures to be installed approximately in accordance with the plan filed herewith marked Verizon New England, Inc

9AAG4C

Dated: September 25, 2002

Verizon New England, Inc.

By:

  
Right-of-Way Department

B

9AALCD  
POLE LOCATION  
FORM NO. 1

October 24, 2003

In The Board of Mayor and Alderman  
of the City of Manchester, New Hampshire:

**VERIZON NEW ENGLAND INC  
&  
PUBLIC SERVICE OF NEW HAMPSHIRE**

request a license to install and maintain underground conduits, cables and wires and to erect and maintain poles and structures with wires, cables, conduits and devices thereon, together with such sustaining, strengthening and protecting fixtures as may be necessary, along, across and under the following public ways:

**The placing and licensing of 1 new pole (653/4S) on Gates Street, in the City of Manchester, New Hampshire, as per attached.**

cables and wires and to erect and maintain poles and structures with wires, cables, conduits and devices thereon together with such strengthening and protecting fixtures as may be necessary, said underground conduits, poles and structures to be installed approximately in accordance with the plan filed herewith marked Verizon New England Inc. and Public Service of New Hampshire.

No: 9AALCD  
Dated: July 21, 2003  
Verizon New England, Inc.

By:   
Right-of-Way Department

Public Service of New Hampshire

By:   
Rosemary Hall/Right-of-Way Department

9AAG7S  
POLE LOCATION  
FORM NO. 1

October 24, 2003

In The Board of Mayor and Alderman  
of the City of Manchester, New Hampshire:

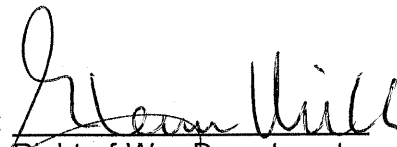
**VERIZON NEW ENGLAND INC  
&  
PUBLIC SERVICE OF NEW HAMPSHIRE**

request a license to install and maintain underground conduits, cables and wires and to erect and maintain poles and structures with wires, cables, conduits and devices thereon, together with such sustaining, strengthening and protecting fixtures as may be necessary, along, across and under the following public ways:

**The placing and licensing of 7 new poles (3/190, 193, 193PB, 196, 198) on Brown Avenue and (531/2, 3) on Coldwell Street, in the City of Manchester, New Hampshire, as per attached.**

cables and wires and to erect and maintain poles and structures with wires, cables, conduits and devices thereon together with such strengthening and protecting fixtures as may be necessary, said underground conduits, poles and structures to be installed approximately in accordance with the plan filed herewith marked Verizon New England Inc. and Public Service of New Hampshire.

No: 9AAG7S  
Dated: October 8, 2002  
Verizon New England, Inc.

By:   
Right-of-Way Department

Public Service of New Hampshire

By:   
Rosemary Hall/Right-of-Way Department

9AAG9Z  
POLE LOCATION  
FORM NO. 1

October 24, 2003

In The Board of Mayor and Alderman  
of the City of Manchester, New Hampshire:

**VERIZON NEW ENGLAND INC  
&  
PUBLIC SERVICE OF NEW HAMPSHIRE**

request a license to install and maintain underground conduits, cables and wires and to erect and maintain poles and structures with wires, cables, conduits and devices thereon, together with such sustaining, strengthening and protecting fixtures as may be necessary, along, across and under the following public ways:

**The placing and licensing of 1 new pole (126/10) on Parker Street, in the City of Manchester, New Hampshire, as per attached.**

cables and wires and to erect and maintain poles and structures with wires, cables, conduits and devices thereon together with such strengthening and protecting fixtures as may be necessary, said underground conduits, poles and structures to be installed approximately in accordance with the plan filed herewith marked Verizon New England Inc. and Public Service of New Hampshire.

No: 9AAG9Z  
Dated: October 3, 2002  
Verizon New England, Inc.

By:   
Right-of-Way Department

Public Service of New Hampshire

By:   
Rosemary Hall/Right-of-Way Department

TEL

9AAFYK  
POLE LOCATION  
FORM NO. 1

October 24, 2003

In The Board of Mayor and Alderman  
of the City of Manchester, New Hampshire:

**VERIZON NEW ENGLAND INC  
&  
PUBLIC SERVICE OF NEW HAMPSHIRE**

request a license to install and maintain underground conduits, cables and wires and to erect and maintain poles and structures with wires, cables, conduits and devices thereon, together with such sustaining, strengthening and protecting fixtures as may be necessary, along, across and under the following public ways:

**The placing and licensing of 1 new pole (212/2) on Readey Street, in the City of Manchester, New Hampshire, as per attached.**

cables and wires and to erect and maintain poles and structures with wires, cables, conduits and devices thereon together with such strengthening and protecting fixtures as may be necessary, said underground conduits, poles and structures to be installed approximately in accordance with the plan filed herewith marked Verizon New England Inc. and Public Service of New Hampshire.

No: 9AAFYK  
Dated: February 13, 2003  
Verizon New England, Inc.

By:   
Right-of-Way Department

Public Service of New Hampshire

By:   
Rosemary Hall/Right-of-Way Department

B

9AAJ3Z  
POLE LOCATION  
FORM NO. 1

October 24, 2003

In The Board of Mayor and Alderman  
of the City of Manchester, New Hampshire:

**VERIZON NEW ENGLAND INC  
&  
PUBLIC SERVICE OF NEW HAMPSHIRE**

request a license to install and maintain underground conduits, cables and wires and to erect and maintain poles and structures with wires, cables, conduits and devices thereon, together with such sustaining, strengthening and protecting fixtures as may be necessary, along, across and under the following public ways:

**The placing and licensing of 1 new pole (684/3.5) on Roosevelt Street, in the City of Manchester, New Hampshire, as per attached.**

cables and wires and to erect and maintain poles and structures with wires, cables, conduits and devices thereon together with such strengthening and protecting fixtures as may be necessary, said underground conduits, poles and structures to be installed approximately in accordance with the plan filed herewith marked Verizon New England Inc. and Public Service of New Hampshire.

No: 9AAJ3Z  
Dated: April 22, 2003  
Verizon New England, Inc.

By:   
Right-of-Way Department

Public Service of New Hampshire

By:   
Rosemary Hall/Right-of-Way Department



9AAF2C

CONDUIT LOCATION  
FORM NO. 1

October 24, 2003

In The Board of Mayor and Alderman  
of the City of Manchester, New Hampshire:

**VERIZON NEW ENGLAND, INC.  
and  
PUBLIC SERVICE COMPANY**

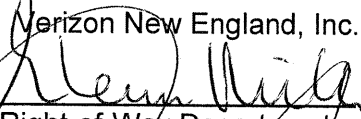
request a license to place and maintain a concrete pad and telephone cabinet, cables and wires and to erect cables, conduits and devices thereon, together with such sustaining, strengthening and protecting fixtures as may be necessary, along, across and under the following public ways:

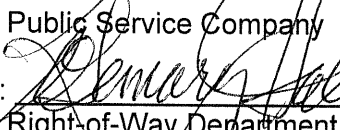
**The placement and licensing of 4" conduit, cable and the associated pedestals, terminals and manholes if required on Victoria Way, Barstow Way and Greystone Way, in the City of Manchester, New Hampshire, as per attached.**

Wherefore we pray, that we be granted a license to install and maintain underground conduits, cables and wires and to erect and maintain structures with wires, cables, conduits and devices thereon together with such strengthening and protecting fixtures as may be necessary, said underground conduits, concrete pad, cabinet and structures to be installed approximately in accordance with the plan filed herewith marked Verizon New England, Inc

9AAF2C

Dated: September 17, 2002

Verizon New England, Inc.  
By:   
Right-of-Way Department

Public Service Company  
By:   
Right-of-Way Department

B

TEL

9AAHD6

CONDUIT LOCATION  
FORM NO. 1

October 24, 2003

In The Board of Mayor and Alderman  
of the City of Manchester, New Hampshire:

**VERIZON NEW ENGLAND, INC.  
&  
PUBLIC SERVICE COMPANY**

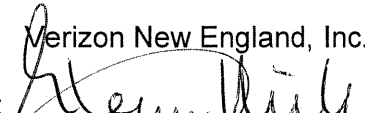
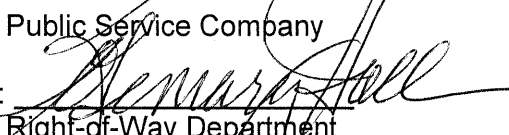
request a license to place and maintain a concrete pad and telephone cabinet, cables and wires and to erect cables, conduits and devices thereon, together with such sustaining, strengthening and protecting fixtures as may be necessary, along, across and under the following public ways:

**The placement and licensing of 4" conduit and the associated cable, pedestals, terminals and manholes if required on Ledgewood Way and Stagecoach Way, in the City of Manchester, New Hampshire, as per attached.**

Wherefore we pray, that we be granted a license to install and maintain underground conduits, cables and wires and to erect and maintain structures with wires, cables, conduits and devices thereon together with such strengthening and protecting fixtures as may be necessary, said underground conduits, concrete pad, cabinet and structures to be installed approximately in accordance with the plan filed herewith marked Verizon New England, Inc

9AAHD6

Dated: May 12, 2003

Verizon New England, Inc.  
By:   
Right-of-Way Department  
Public Service Company  
By:   
Right-of-Way Department

B

TEL

9AALS1  
POLE LOCATION  
FORM NO. 1

October 24, 2003

In The Board of Mayor and Alderman  
of the City of Manchester, New Hampshire:

**VERIZON NEW ENGLAND INC  
&  
PUBLIC SERVICE OF NEW HAMPSHIRE**

request a license to install and maintain underground conduits, cables and wires and to erect and maintain poles and structures with wires, cables, conduits and devices thereon, together with such sustaining, strengthening and protecting fixtures as may be necessary, along, across and under the following public ways:

**The placing and licensing of 2 new poles (668/1, 2) on Notre Dame Avenue, in the City of Manchester, New Hampshire, as per attached.**

cables and wires and to erect and maintain poles and structures with wires, cables, conduits and devices thereon together with such strengthening and protecting fixtures as may be necessary, said underground conduits, poles and structures to be installed approximately in accordance with the plan filed herewith marked Verizon New England Inc. and Public Service of New Hampshire.

No: 9AALS1  
Dated: August 8, 2003  
Verizon New England, Inc.

By:   
Right-of-Way Department

Public Service of New Hampshire

By:   
Rosemary Hall/Right-of-Way Department

B

9AAKEP  
POLE LOCATION  
FORM NO. 1

October 24, 2003

In The Board of Mayor and Alderman  
of the City of Manchester, New Hampshire:

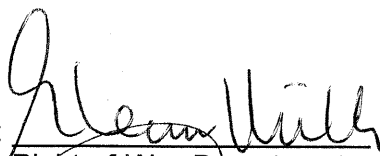
**VERIZON NEW ENGLAND INC  
&  
PUBLIC SERVICE OF NEW HAMPSHIRE**

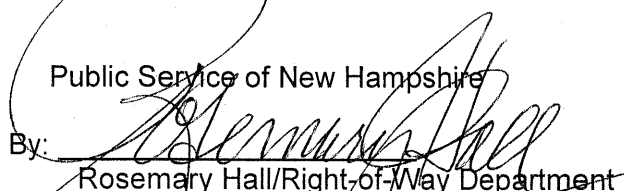
request a license to install and maintain underground conduits, cables and wires and to erect and maintain poles and structures with wires, cables, conduits and devices thereon, together with such sustaining, strengthening and protecting fixtures as may be necessary, along, across and under the following public ways:

**The placing and licensing of 1 new pole (655/31.5) on Coolidge Avenue, in the City of Manchester, New Hampshire, as per attached.**

cables and wires and to erect and maintain poles and structures with wires, cables, conduits and devices thereon together with such strengthening and protecting fixtures as may be necessary, said underground conduits, poles and structures to be installed approximately in accordance with the plan filed herewith marked Verizon New England Inc. and Public Service of New Hampshire.

No: 9AALSX  
Dated: April 22, 2003  
Verizon New England, Inc.

By:   
Right-of-Way Department

Public Service of New Hampshire  
By:   
Rosemary Hall/Right-of-Way Department

**Manchester Conservation Commission**

**Meeting Minutes**

**Monday, October 20<sup>th</sup> 2003**

**6:35—8:10pm**

**Location:** City Hall

**Commissioners Present:** Michael Poisson (chair), Jen Drociak, JoAnn O'Shaughnessy, Kathleen Neville, Marty Gavin

**Commissioners Absent:** Todd Connors, Eric Skoglund

**Others Present:** Pat Mattson, Jane Beaulieu, Jeff Lewis (KNA)

**Submitted By:** Marty Gavin

**~ Next Meeting @ 6:15 on Monday, November 3<sup>rd</sup> 2003 ~**

**Agenda**

**I. Minutes of Last Meeting**

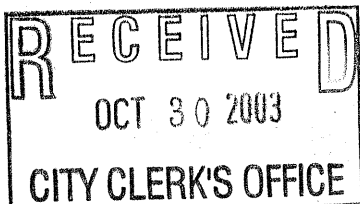
Minutes from the September 15<sup>th</sup> and October 6<sup>th</sup> meetings were approved, with the following corrections. 10/6/03: Under **Old Business**, The spelling of Ted Diers's last name was incorrect. 10/6/03: Under **Mail** the Education & Outreach Committee Minutes were actually Jen's, not the Commission's.

**II. Treasurer's Report**

Jane Beaulieu is going to check out the status of our Conservation Easement funds.

**III. Old Business**

- Alternate roster: Mike Poisson handed Mayor Robert Baines the Manchester Conservation Commission's recommendation for having Jane Beaulieu appointed to the Commission, as an alternate member.
- SEPP: Jen Drociak asked Art Grindle (who attended the most recent SEPP meeting) to see if CEI could amend the permit for the Crystal Lake runoff plans, for the purpose of incorporating some dredging along the shoreline. The intention of adding this aspect to the permit is to help eliminate the Phragmites problem without having to apply for a separate permit with DES. Kathleen Neville (who also attended this meeting) said that the main focus of the meeting was on Nutts pond and she didn't hear any discussion about this topic.
- Waterford: Jane spoke with Krista Helmbolt (Nature Conservancy) about the Phragmites situation. Krista told her that it is our duty to make sure that they don't spread and that we should be careful about projecting where they might go. Pat Mattson brought in some photographs that she had taken of lot 15, which is adjacent to lot 17. She began taking these



pictures to have a before and after record of this area. Pat said that she didn't see as much beaver activity as before and that it appeared that the Blue Herring nests have vanished. She is also very concerned that the Phragmites will spread and she intends to closely monitor this location.

- Riverwalk: JoAnn O'Shaughnessy brought up her discussion with Ron Johnson about closing the Riverwalk for the winter, during Eagle roosting season.
- City surplus map overlay: Jane presented an Open space and Recreation map, that could serve as a good base to work with. Mike will check with the engineers at the Highway Dept. to see if they have a more detailed map or any other information that could help.
- Baseball Stadium: JoAnn O'Shaughnessy would like to invite Bob McKenzie to an upcoming MCC meeting for an update on this project. Mike will try to get some plans before hand.
- West Environmental: Jen Drociak would like to have Mike West in for an update sometime in the near future.
- Lands and Buildings meeting on Oct 21<sup>st</sup>: The Board of Mayor and Aldermen asked the Commission to put together a letter of request for a Conservation Easement at Crystal Lake. Jen said that a letter had already been written and was actually sent awhile ago. Mike has a copy of this letter, which he will bring to the meeting. He has also written another letter, that addresses the issue of any land that borders a woodland, wetland, lake, etc. should be considered eligible for conservation. He intends on bringing up the fact that we are looking at the City surplus land and that we have a great deal of interest in many of these parcels, including the Riverdale properties, which are already on the agenda.

#### **IV. New Business**

- KNA: Jeff Lewis presented plans to subdivide an 11 acre parcel at North River Rd. and Bicentennial Dr., where on the northern section they are proposing to build a Jewish Synagogue. The sewer needs to come from the lower section, therefore impacting 300 square feet of wetlands. There will be a 52 car parking lot at this location, most of the runoff will be directed to catch basins, what is not captured by these will flow to the 100' treatment swale. This project requires site specific permits, including standard erosion control. The Commission recommended that what is dredged out of the wetlands should be used as replacement material and with that addition the motion to accept these plans carried. This project is tentatively scheduled for Public Hearing on November 6<sup>th</sup> 2003.

9

- Pine Island: Jane did a site walk at 20 Pond Dr., upon request by Tom Seigle. Due to the installation of the sewer interceptor the water level has lowered, which makes erosion control a necessity. Jane felt that the banks are not being stabilized enough. She suggested on having the MCC do a site walk at this location. Mike will contact the Lessard's to get permission to enter their land.
- SEPP: Jen is going to contact Tanya West (SEPP) to have her start sending the SEPP monthly minutes directly to City Hall.
- PSNH: On Wednesday October 22<sup>nd</sup> Kathleen Neville will attend the hearing for the renewal of their hydro dam license.
- Conservation Easements: Sunday November 9<sup>th</sup> at 8am the MCC will meet at Hackett Hill Rd. and Front St. to start posting the Conservation Easement boundaries.

#### **V. Other Business**

Mike requested that if any of the Commissioners have to miss a meeting, to let him know before hand.

#### **VI. Mail**

- 10/10/03: Letter from Ridgely Mauck (LRMP) addressed to the City Clerk, which states that they have received an application from Lubavitch of NH, to disturb approximately 120,000 square feet for the construction of a synagogue.
- 10/10/03: Letter from Ridgely Mauck addressed to the City Clerk, which states that they have received an application from Hanaby Homes, LLC of Manchester, to disturb approximately 185, 000 square feet for the construction of a 10-lot residential subdivision.
- 10/09/03: Letter from Louise Donington (Planning) addressed to Max Sink (Building Dept.)
- 10/08/03: Wetlands and Non-site Specific Permit 2003-01872 for 721 Mammoth Rd. Tax Map 605/ Lot No. 2&3. This states that KNA will temporarily impact and subsequently restore 392 sq. ft of wetlands in order to connect the municipal sewer to a proposed condominium site.
- 10/08/03: Wetland and Non-site Specific Permit 2003-01798, for John A. & Sylvia D. Cote at Stark Lane, Manchester Tax Map 739/ Lot Nos. 11&12. This states that 1,319 sq. ft rip-rap erosion protection along 100 linear feet of riverbank will be used to stabilize the highly eroded slope.

**MANCHESTER  
TRANSIT AUTHORITY**

110 ELM STREET, MANCHESTER, N.H. 03101-2799  
TELEPHONE: (603) 623-8801  
FAX: (603) 626-4512  
e-mail: [MTA@grolen.com](mailto:MTA@grolen.com) • website: [www.mtabus.org](http://www.mtabus.org)



JOHN H. TRISCIANI, *CHAIR*  
DAVID F. JESPERSEN, *VICE CHAIR*  
EUGENE E. BOISVERT  
JULIE A. GUSTAFSON  
JOSEPH J. DESELLE

DAVID SMITH  
*EXECUTIVE DIRECTOR*

October 29, 2003

Mr. Leo Bernier, City Clerk  
City of Manchester  
One City Hall Plaza  
Manchester, NH 03101

Dear Leo,

The MTA Commissioners held a Commission Meeting on Tuesday, October 28, 2003. Enclosed are sixteen copies of the approved Minutes of our September 30, 2003 Commission Meeting, as well as the Financial and Ridership Reports for the month of September 2003.

The next scheduled Commission Meeting will be Tuesday, November 25, 2003 at 5:00 PM.

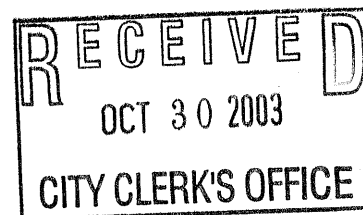
If you should have any questions, please feel free to contact me at extension 612.

Very truly yours,

David Smith  
Executive Director

DS:cr

Enclosures



D





Barbara T. Reid  
Assistant Commissioner

## State of New Hampshire Department of Revenue Administration

57 Regional Drive, PO Box 487, Concord, NH 03302-0487  
Telephone (603) 271-3397  
[www.state.nh.us/revenue](http://www.state.nh.us/revenue)



COMMUNITY SERVICES DIVISION  
Robert M. Boley, AAS  
Director

Barbara J. Robinson  
Assistant Director

Fall 2003

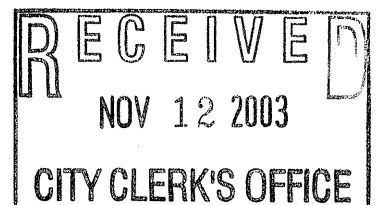
Dear Governing Body:

Your 2003 tax rate has been computed and established. The tax rate, the analysis of adequacy costs, and the amount to be committed to the tax collector are on the attached calculation pages. *Before issuing the warrant to the tax collector, please contact your school district(s) and any village district(s) you may have to verify they have not discovered a discrepancy or are dissatisfied with their portion of the accompanying tax rate.*

**The tax collector is required to certify to us the amount of the warrant as committed.** If the tax collector finds a 1/2% discrepancy in the amount of the commitment, they have been instructed by us to return the warrant to the assessors. The MS-1 valuation used to calculate the rate may not have been correct and the rate would need to be recalculated upon our receipt of your corrected MS-1. Using the correct valuation effects not only this year's tax rate but also any subsequent calculation involving your equalized value including your state education tax, county tax, some cooperative school apportionments, shared revenues, and more.

If you are dissatisfied with your tax rate, you have ten (10) days from this notification to request an oral hearing per RSA 21-J:35.

Municipal Finance Bureau



S:\Municipal Finance\Mail & Projects\MS Forms\Tech Assistance\03 Tech Assistance\LETTER03.wpd

TDD Access: Relay NH 1-800-735-2964

Individuals who need auxiliary aids for effective communication in programs and services of the Department of Revenue Administration are invited to make their needs and preferences known to the Community Services Division.

E

**DEPARTMENT OF REVENUE ADMINISTRATION**  
**Municipal Finance Bureau**  
**2003 Tax Rate Calculation**

**TOWN/CITY: MANCHESTER**

Gross Appropriations	171,853,660
Less: Revenues	108,534,308
Less: Shared Revenues	2,293,073
Add: Overlay	1,542,714
War Service Credits	565,500

*Barbara Robinson*  
*11/9/03*

Net Town Appropriation	63,134,493
Special Adjustment	0

Approved Town/City Tax Effort	63,134,493
-------------------------------	------------

**TOWN RATE**  
**12.19**

**SCHOOL PORTION**

Net Local School Budget (Gross Approp. - Revenue)	110,064,348
Regional School Apportionment	0
Less: Adequate Education Grant	(45,567,271)
State Education Taxes	(27,840,016)

Approved School(s) Tax Effort	36,657,061
-------------------------------	------------

**LOCAL SCHOOL RATE**  
**7.07**

**STATE EDUCATION TAXES**

Equalized Valuation(no utilities) x	\$4.92	
5,658,539,770		27,840,016
Divide by Local Assessed Valuation (no utilities)		
5,066,628,100		
Excess State Education Taxes to be Remitted to State		
Pay to State →	0	

**STATE SCHOOL RATE**  
**5.49**

**COUNTY PORTION**

Due to County	8,770,087
Less: Shared Revenues	(213,415)

Approved County Tax Effort	8,556,672
----------------------------	-----------

**COUNTY RATE**  
**1.65**

**TOTAL RATE**  
**26.40**

Total Property Taxes Assessed	136,188,242
Less: War Service Credits	(565,500)
Add: Village District Commitment(s)	0
<b>Total Property Tax Commitment</b>	<b>135,622,742</b>

**PROOF OF RATE**

Net Assessed Valuation	Tax Rate	Assessment
State Education Tax (no utilities)	5.49	27,840,016
All Other Taxes	20.91	108,348,226
		136,188,242

**TRC#**  
**204**

**TRC#**  
**204**

*E*

**DEPARTMENT OF REVENUE ADMINISTRATION**  
Municipal Finance Bureau

**2003 Tax Rate Calculation (Cont'd)**

**TOWN/CITY: MANCHESTER**

**Analysis of Values Assigned to Local and Cooperative School District(s)**

	Single S.D.	1st Coop N/A	2nd Coop. N/A	Total
<b>Cost of Adequate Education</b>	73,407,287	0	0	73,407,287
<b>% of Town's Cost of Adequate Education</b>	100.0000%	0.0000%	0.0000%	100%
<b>Adequate Education Grant</b>	45,567,271	0	0	45,567,271
<b>District's Share - Retained State Tax*</b>	27,840,016	0	0	27,840,016
				<b>"Excess" State Taxes</b> 0
				<b>Total State Taxes</b> 27,840,016
<b>Local Education Tax*</b>	36,657,061	0	0	36,657,061

**\*Pay These Amounts to School(s)**

The cost of an adequate education is determined by the Department of Education based on weighted average daily membership in residence in each school district. Each school district's percentage of total is then calculated. Each percentage is then multiplied by the Town's share of the state education tax amount to allocate a portion of the state education taxes to each school district.

The difference between the adequate education for each school district and each school district's share of the state education taxes becomes the adequate education grant for each school district.

**Pay Directly to State**

**Paid Directly from State**

E

Date: 11/7/03

NH Department of Revenue Administration  
Community Services Division  
Municipal Finance Bureau  
P.O. Box 487  
Concord, NH 03302-0487  
(603) 271-3397

TOWN/CITY: MANCHESTER

Auditor's Initials: RSA

There are two areas in tax rate setting in which the governing body has significant discretionary power:

1. The amount of "overlay" used; and
2. The amount of general fund balance ("surplus") to retain.

**OVERLAY**

RSA 76:6 limits "overlay" to "a sum not exceeding" 5% of the net tax commitment for the municipality, its state education tax amount and local school tax, its share of the county budget, and village district(s), if any. For your municipality, we anticipate that limit will be:

\$ 6,812,276

Please fill in the amount of overlay that you wish used in calculating the property tax rate:

\$ 1,600,000

**GENERAL FUND BALANCE ("SURPLUS") RETENTION**

General guidelines have been established by the financial community regarding the amount of general fund balance to retain. It is suggested you retain between 5% and 10% of an amount made up of the municipality's appropriations, plus the state education tax amount and the local school net tax commitment, plus the county appropriation. Based on our best available information, the suggested levels would be:

5% 12,256,041 10% 24,512,082

Your **unencumbered general fund balance** is: \$ 2,476,489

The amount **voted** from "surplus" is: \$ 0

The amount used for RSA 32:11 **emergency** appropriation is: \$ 0

The amount you wish to use to **set tax rate**: \$ 1,600,000

The amount you wish to **retain** is: \$ 876,489

Signature of town/city official: 

Title of town/city official: FINANCE OFFICER

E



State of New Hampshire  
Department of Revenue Administration

45 Chenell Drive

P.O. Box 487

Concord, N.H. 03302-0487

(603) 271-3397

Fax: (603) 271-1161

Stanley R. Arnold  
Commissioner

Barbara C. Reid  
Assistant Commissioner

Municipal Services Division

Barbara J. Robinson  
Director

Beverly A. Jewell  
Assistant Director

**TOWN/CITY**

MUNICIPALITY

MANCHESTER

YEAR

03/04

In accordance with RSA 21-J:35, the department is notifying you of the following changes in the appropriations and revenues used in computing the tax rate. Changes in state revenue transfers were made to reflect current revenue projections.

FORM	ACCT#	PREVIOUS \$	ADJUSTED \$	CHANGE AMT.	REASON FOR CHANGE
MS4	3351	NO	CHANGES		Shared Revenue
MS4	3352				Meals & Rooms
MS4	3353				Highway Block
MS4	3356				State & Fed. Forest Land

Auditor BOS A.

Date 11/6/03

Director  
: changes

Barbara J. Robinson

Date 11/9/03

E

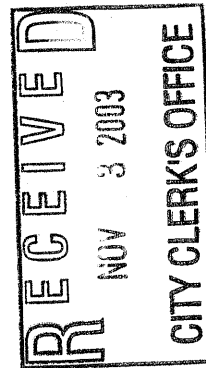
# DEPARTMENT OF TRANSPORTATION

DATE November 5, 2003

## Right-of-Way Breakdown of Contemplated Awards

October 17, 2003

Parcel No.	Project Name and Number Owner	AMOUNT			
		Participating Code	Participating Amount	Non-Participating Code	Non-Participating Amount
01900	BEDFORD-MANCHESTER-LONDONDERRY DPR-F-0047(001) 11512 BACK ACRES INC & INVESTMENT CAPITAL CORP	331	\$310,000.00	0	\$0.00
0000R	HOLLIS 12056-R DEANE W NAVAROLI & CARRIE L NAVAROLI	397	\$17,000.00	0	\$0.00
01100	KINGSTON STP-X-019-1(24) 10044C GARY E GUPTILL & JUDITH H GUPTILL & PENTUCKET BANK	331	\$5,000.00	0	\$0.00
00800	LEBANON BETTERMENT 13185A LEE H HAMMOND & PAMELA L HAMMOND	0	\$0.00	332	\$5,000.00
01000	ROBERT V PARENT & PATRICIA PATENT MANCHESTER MGS-STP-X-5285(035) 12328	0	\$0.00	332	\$6,600.00
051BR	AIR SERVICE OF NH	0	\$0.00	370	\$6,753.66
02900	THOMAS D COX & MARY ELLEN COX & GE CAPITAL MORTGAGE SERVICES & BANK UNITED TEXAS & ATLANTIC MORTGAGE COPR OR CLERK NHBTLA	331	\$5,900.00	0	\$0.00
02800	PETERBOROUGH STP-MGS-X-015-1(15) 12915 TOWN OF PETERBOROUGH	331	\$10,000.00	0	\$0.00
23800	WINDHAM-SALEM NHS-RS-RUR-M-STP-F-038-1(5) 10075 FRANK H GAUEUCIA	331	\$10,000.00	0	\$0.00
259A0	GLENN N GIDLEY & CITIZENS BANK OF NEW HAMPSHIRE OR CLERK NHBTLA	331	\$41,000.00	0	\$0.00
10090	JOHN W CASTRICONE & CHERYL L CASTRICONE & SALEM CO-OP BANK OR CLERK NHBTLA	331	\$20,000.00	0	\$0.00
					\$310,000.00
					\$17,000.00
					\$5,000.00
					\$5,000.00
					\$6,600.00
					\$6,753.66
					\$5,900.00
					\$10,000.00
					\$10,000.00
					\$41,000.00
					\$20,000.00



THE STATE OF NEW HAMPSHIRE  
DEPARTMENT OF TRANSPORTATION  
CONCORD

October 17, 2003

~~-CONTEMPLATED AWARDS-~~

- |   |  |
|---|--|
| 1 - Copy - William Gardner, Secretary of State  | 1 - Copy - Mark P. Hodgdon, Sr. Asst. Attorney General |
| 1 - Copy - Internal Revenue Service   | 1 - Copy - Bill Boynton, Public Information Officer    |
| 3 - Copies - Herman G. Martin, Administrator, Budget & Finance  | 1 - Copy - Michael deMartelly, Chief ROW Agent         |
| 1 - Copy - Federal Highway Administration   | 1 - Copy - Stephen W. Gray, Maintenance Engineer       |
| 1 - Copy - Robert Barry, Municipal Highway Administrator  | 1 - Copy - Edward S. Dame, Director of Collections     |
| 1 - Copy - Councilor Raymond Burton, Woodsville   | 1 - Copy - Councilor Peter J. Spaulding, Hopkinton     |
| 1 - Copy - Councilor Ruth L. Griffin, Portsmouth  | 1 - Copy - Councilor Ray Wiczorek, Manchester          |
| 1 - Copy - Councilor David Wheeler, Milford   |  |
| 1 - Copy - City Clerk, Town Clerk and Tax Collector of: Bedford, Hollis, Kingston, Lebanon, Londonderry, Manchester, Peterborough, Salem, Windham |  |

11

## To the Board of Mayor and Aldermen of the City of Manchester:

The Committee on Traffic/Public Safety respectfully recommends, after due and careful consideration that the following regulations governing standing, stopping, and parking and operation of vehicles, be adopted pursuant to Chapter 70 of the Code of Ordinances of the City of Manchester and put into effect when duly advertised and the districts affected thereby duly posted as required by the provisions of that Chapter and Chapter 335 of the Sessions Laws of 1951.

### **Section 70.36 Stopping, Standing, or Parking Prohibited**

#### **NO PARKING:**

- On W. Mitchell St., north side, from S. Elm St. to a point 130 feet westerly
- On Mystic St., north side, from a point 150 feet east of S. Beech St. to a point 80 feet east (Emergency Act)
- On Grove St., south side, from Pine St. to a point 55 feet east
- On S. Jewett St., east side, from Weston Rd. to a point 120 feet north (Emergency Act)
- On Lake Ave., south side, from Maple St. to a point 100 feet west
- On Lake Ave., south side, from Lake Ave. South Back St. to Beech St.
- On Lake Ave., south side, from Beech St. to Union St.

#### **RESCIND NO PARKING:**

- On Harvard St., both sides, from a point 130 feet east of Maple St. to the dead end (#8357)
- On Lake Ave., south side, from Union St. to Wilson St. (#3205)

#### **NO PARKING DURING SCHOOL HOURS:**

- On Youville St., east side, from Mason St. to a point 210 feet north (Emergency Act)

6



**Report of Cmte. on Traffic/Public Safety**  
**Page 2**

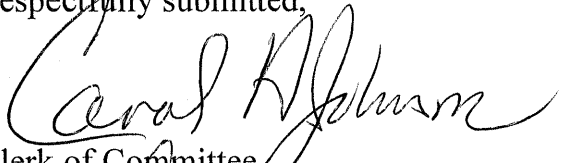
**RESCIND PARKING 1 HOUR DURING SCHOOL HOURS**

On Youville St., east side, from Mason St. to Dexter St. (#7523)

**REPEALING PROVISIONS**

That all rules and regulations now in effect in accordance with the provisions of an Ordinance "Chapter 70 Motor Vehicles and Traffic" as adopted August 6, 2002, with subsequent amendments thereto and inconsistent with the traffic rules and regulations herein adopted, be repealed.

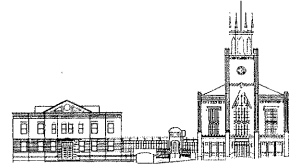
Respectfully submitted,

  
Clerk of Committee





## CITY OF MANCHESTER Board of Aldermen



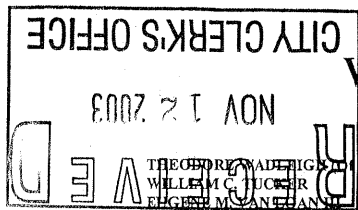
Memo To: Board of Mayor and Aldermen  
From: Alderman Ed Osborne  
Date: November 13, 2003  
Re: Wellington Road parcel – Singer Park

I am writing to request that the Board consider retaining the property on Old Wellington Road to be utilized for replacement of Singer Park for soccer fields and lacrosse events.

I believe that the neighborhood would prefer utilizing this area for active park land rather than a 220 unit housing, even with workforce housing included.

The location of this parcel, including its close proximity to the belt-line connecting much of the City to me is ideal for such a use.

Your favorable consideration of my request would be most appreciated.



## WADLEIGH, STARR & PETERS, P.L.L.C.

THEODORE WADLEIGH, JR. (Counsel)  
WILLIAM C. TUCKER  
EUGENE MCANULTY  
JOHN E. FRIBERG, Sr.  
JAMES C. WHEAT  
JOHN A. LASSEY  
RONALD J. LAJOIE  
KATHLEEN N. SULLIVAN  
JEFFREY H. KARLIN  
DONALD J. PERRAULT  
MARC R. SCHEER  
GREGORY G. PETERS

Attorneys At Law  
95 Market Street  
Manchester, New Hampshire 03101  
Telephone (603) 669-4140  
Facsimile (603) 626-4808

INTERNET: WWW.WADLEIGHLAW.COM

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ROBERT E. MURPHY, Jr.  
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KATHLEEN C. PEHL  
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CHARLES F. CLEARY  
CHRISTINE DESMARAIS-GORDON  
PAUL L. APPLE  
JENNIFER L. MURPHY  
TODD J. HATHAWAY  
STEPHEN J. JUDGE  
STEPHEN L. BOYD  
ADAM M. NEE

November 12, 2003

Thomas I. Arnold III, Esq.  
City Solicitor's Office  
One City Hall Plaza  
Manchester, NH 03101

Handdelivered

Re: Request for Reconsideration of the City of Manchester Decision to Award Sale of the Canal Street Parking Garage and Request for Reconsideration of the City of Manchester Decision to Reconsider the Award of the Sale of Real Property located on Old Wellington Road, Manchester, NH (a/k/a Map 645, Lot 10)

Dear Attorney Arnold:

This office represents the Anagnost Companies in connection with the above two dispositions of public property. Please accept this Request for Reconsideration of the above two decisions of the Board of Mayor and Aldermen and Committee on November 5, 2003. Please place the reconsideration on the agenda for the next meeting of the Board of Mayor and Aldermen.

The grounds for the requests are as follows:

1. Canal Street Parking Garage. The City approval of the majority report in the Board of Mayor and Aldermen meeting on October 7, 2003, to negotiate with the Hampshire Plaza interests was illegal and contrary to the best interests of the City, in that it failed to follow precedent in dealing with the sale of surplus City property under Section 34.22. The Committee made the determination to put the property out for proposals, but it abandoned that procedure in favor of private negotiations with the abutter. In making that determination, the City ignored the criteria for the sale of public property as set forth in the Policy Statement at Section 34.16 to obtain fair market value on the sale of all such property, and the preference for public sale embodied in Section

November 12, 2003

Page 2.

34.21. Specifically, the Committee's vote indicates that there were no specific findings of fact justifying the conclusion that sale other than at public sale was in the best interests of the City or was required by justice. Furthermore, that determination to sell the garage to the abutter with the expressed interest in providing tenant parking favor one downtown entity over all other downtown businesses competing for adequate parking for their patrons. Even if the expressed interest in providing adequate parking to its tenants were a valid public interest, there was no attempt to meet that need by other, more equitable means, such as condominiumizing the parking garage. It is respectfully submitted that the determination to sell the property to Hampshire Plaza, LLC violates the spirit and intent of the ordinance, as well as the rights of the bidders under the original Request for Proposal, does not achieve fair market value, and does not do justice in the disposal of City property.

2. Wellington Road Property. A review of the minutes of the Board of Mayor and Aldermen revealed that the City made a binding vote to negotiate with the Manchester Housing and Redevelopment Authority/Anagnost Companies, subject only to the Land and Buildings Committee's recommendation that the Wellington Road property was surplus property. This is a contract subject to a condition subsequent which, as a matter of law, was fulfilled at the next meeting of the Board of Mayor and Aldermen on November 5, 2003, when the Board first took up and adopted the majority report of the Land and Buildings Committee that the property was surplus. That October 21, 2003 vote of the Board of Mayor and Aldermen created property rights in my clients that cannot be so quickly taken from them. In other words, once the Board of Mayor and Aldermen voted to accept the Manchester Housing and Redevelopment Authority/Anagnost Companies' proposal, the public sale procedure was complete and not subject to rejection. Furthermore, the vote of the Board of Mayor and Aldermen on November 5, 2003 favors one applicant in the process over all others. By allowing Pristine Properties to unilaterally amend its proposal without doing the same for all others violates the public trust and fundamental principles of fairness underlying the bid procedure in the first instance. The Request for Proposal generated last August had eight specific requirements by which the proposals would be judged. The effect of the September 29, 2003 Land and Buildings Committee vote did not have the Planning Director contact the bidders to interject the three conditions of a minimum of 15% affordable workforce housing, or a \$100,000.00 nonrefundable deposit, and no contingency on financing or the number of approved units did not eliminate the original eight criteria, but only amplified the requirements for a qualified bid.

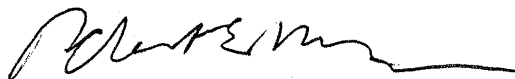
November 12, 2003

Page 3.

Specifically, it did not eliminate the need for consideration of the proposal for development as it relates to the City's expressed goals of providing affordable workforce housing, commitment to a binding Purchase and Sale Agreement prior to October 31, 2003, and a capability based upon a proven track record of development and financial information to demonstrate a capability of developing the site for housing. Based upon the fact the City had accepted my client's bid subject only to the declaration of surplus property which was made as the first order of business on November 5, 2003, the City should have made a determination whether my client's proposal met the criteria of Ordinance Section 34.21 as applied to the Canal Street Parking Garage property, to justify based upon the criteria set forth in that ordinance meeting the City's obligations under the accepted proposal, even though it was not the high bid, particularly considering the action the City took in the sale of the Canal Street Parking Garage.

I have provided a copy of this letter to Mr. Leo R. Bernier, Clerk of the City. Please forward the request to the necessary City officials and representatives for placement on the Board of Mayor and Aldermen agenda for the upcoming meeting.

Sincerely,



Robert E. Murphy, Jr.

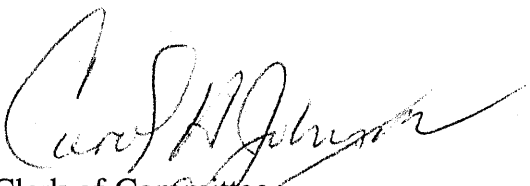
REM/sbm

cc: Dick Anagnost

To the Board of Mayor and Aldermen of the City of Manchester:

The Committee on Community Improvement respectfully recommends, after due and careful consideration, that a petition to discontinue a portion of Millstone Avenue be referred to a Road Hearing scheduled for August 4 at 6:15 PM in the Aldermanic Chambers to consider releasing and discharging same pursuant to RSA 231:52.

Respectfully submitted,

  
Clerk of Committee

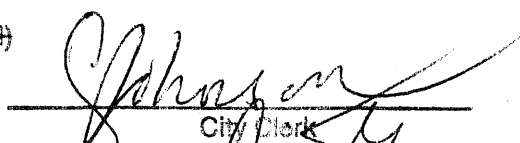
At a meeting of the Board of Mayor and Aldermen

held July 15, 2003 on a motion of Ald. O'Neil

duly seconded by Ald. Lopez the report

of the Committee was accepted and its recommendations

(adopted) ~~(denied)~~

  
City Clerk



ATTORNEYS AT LAW

March 27, 2003

**VIA HAND DELIVERY** 27 7:21

Manchester City Clerk  
City Hall  
One City Hall Plaza  
Manchester, NH 03101  
**Attn: Carol Johnson**

**RE: Petition to Discontinue Portions of Millstone Avenue an  
Unaccepted Street**

Dear Carol:

Attached is the Petition of Waterford Place LLC to discontinue a portion of Millstone Avenue which is a proposed street located off Countyside Boulevard in Manchester. Only a portion of Millstone Avenue has been constructed and no portion of the road has been accepted as a public way. We also include a copy of the Plan of the portion of the road to be discontinued, a legal description of the discontinued portion and an abutters list.

Please note that all public utilities located within Millstone Avenue shall remain public.

We request that this Petition be placed on the Board of Mayor and Alderman's Agenda as soon as possible.

Thank you for your attention to this matter. If you should need any further information please feel free to call me.

Sincerely,

  
Nicholas J. Lazos

cc: Client

cc: Susan Davis, Esq.

PROFESSIONAL ASSOCIATION

The Daily Mirror Building  
66 Hanover Street, Suite 301  
Manchester, NH 03101  
Telephone (603) 627-3700  
Facsimile (603) 641-8900

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**MANCHESTER BOARD OF MAYOR AND ALDERMEN  
PETITION FOR STREET DISCONTINUANCE**

The undersigned, Stone Ends Apartments LLC, respectfully represents that for the accommodation of the public, there is occasion for discontinuing a portion of a certain highway known as Millstone Avenue in Manchester, New Hampshire which portion to be discontinued is shown on a plan entitled "Discontinuance Plat for a Portion of Millstone Avenue", dated December 20, 2002, prepared by Richard D. Bartlett & Associates, Inc. (the "Plan"). Attached hereto is a legal description for said portion to be discontinued.

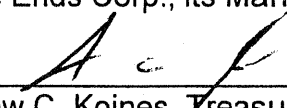
Stone Ends Apartments LLC is proposing this discontinuance in order to convert the discontinued portion of Millstone Avenue to a "private" road within the existing apartment complex. Only a portion of the proposed Millstone Avenue has been constructed and no portion has been accepted or maintained as a "public street" by the City of Manchester.

The existing public sewer and water easement rights in the discontinued portion are not to be discontinued by this Petition and such utility rights and an easement ten (10) feet on each side of the centerline thereof shall be retained by and reserved to the City of Manchester. In addition, the undersigned acknowledges the existing gas line and associated easement ten (10) feet on each side of said gas line and that such rights shall continue for the benefit of the applicable gas utility company.

NOW THEREFORE, the undersigned hereby respectfully requests you to discontinue the above-described portion of Millstone Avenue, so-called, and that is henceforth not be utilized for public rights.

DATED this 24th day of March, 2003.

Stone Ends Apartments LLC  
By: Stone Ends Corp., its Manager

By:   
Andrew C. Koines, Treasurer



### **Millstone Ave. Right-of-Way Portion to be Discontinued**

Commencing at a granite bound marking the southeasterly most terminus point of the herein described right-of-way at land now or formerly of Waterford Place, LLC, thence, along said Waterford land, N 43°50'10" W a distance of 50.00 feet to a granite bound at land now or formerly of Stone Ends Apartments, LLC; thence, along said Stone Ends land, by a curve to the left, having a central angle of 61°34'27" and a radius of 575.02 feet, a distance of 617.95 feet to a point; thence, continuing along said Stone Ends land, N 15°24'40" W a distance of 215.73 feet to a granite bound; thence, still along said Stone Ends land, by a curve to the right, having a central angle of 08°43'56" and a radius of 475.00 feet, a distance of 72.39' to a point; thence, crossing said Millstone Avenue along a curve to the left, having a central angle of 84°28'08" and a radius of 60.00 feet, a distance of 88.46 feet to a point at other land now or formerly of Waterford Place LLC; thence, along said Waterford land, by a curve to the left, having a central angle of 00°39'16" and a radius of 425.00 feet, a distance of 4.85 feet to a granite bound; thence, continuing along said Waterford land, S 15°24'40" E a distance of 101.99 feet to a steel pin at other land now or formerly of Stone Ends Apartments, LLC; thence, along said Stone Ends land, S 15°24'40" E a distance of 113.73 feet to a steel pin; thence, continuing said Stone Ends land, by a curve to the right, having a central angle of 61°34'27" and a radius of 625.02', a distance of 671.69 feet to the point of beginning.

Containing 44,144 square feet or 1.01 acres.



# CITY OF MANCHESTER

*Chief Negotiator / Labor Contract Administrator*

One City Hall Plaza  
Manchester, New Hampshire 03101-4000  
Tel: (603) 624-6532 • Fax: (603) 624-6528



## MEMORANDUM

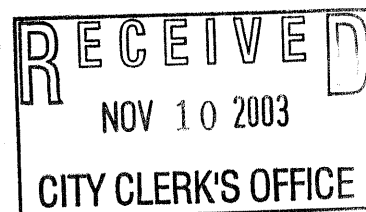
TO: Leo Bernier, City Clerk  
FROM: David A. Hodgen *DAH*  
DATE: November 10, 2003  
RE: Session with Board of Mayor and Aldermen,  
November 18, 2003

Please schedule a strategy session with the Board of Mayor and Aldermen November 18, 2003 to discuss Union negotiations and possibly to act on ratification of the Agreement with the Manchester Educational Support Personnel Association (MESPA).

Information regarding this matter will be transmitted to the Board under separate cover.

DAH/jac

Cc: Mayor Baines



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